Remarks/Arguments

Applicants respectfully request reconsideration of the pending claims in view of the above amendments and following comments. Claims 1, 3-7, 9, 12, 14-15, 19-24, 30, 32-35, 39, 41 and 46 have been amended. Claims 43-45 have been canceled. As such, claims 1-42 and 46 are currently pending.

No new matter has been inserted. Claims 3-7, 9, 12, 14-15, 19-24, 30, 32-35, 39 and 41 were simply amended for clarity. Support for the amendment to claims 1 and 46 can be found in the specification at least at paragraph [0034].

Claim Objections

Claims 3-7, 9, 12, 14, 15, 19-24, 30, 32-34, and 41 were objected to because of informalities. Specifically, the Examiner requested that the applicant refrain from the use of the terms "adapted to", "adapted for", and "wherein".

While not conceding to the Examiner's position, in the interest of advancing prosecution, Applicants have amended claims 3-7, 9, 12, 14, 15, 19-24, 30, 32-34, and 41. Applicants respectfully request that these objections be withdrawn.

Claim 47 was objected to as not being numbered consecutively with the foregoing claims. Applicants have amended this claim to be claim 46 so that consecutive numbering is preserved. Applicants respectfully request that this object be withdrawn.

35 U.S.C. § 112, 2nd Paragraph

Claims 3, 6, 16, 19-23, 26, 30, 34, 35, and 39 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection.

Specifically, claims 3, 34, 35, and 39 were rejected on the basis of the term "optionally". Claims 19-23 were rejected on the basis of the term "if necessary" in claim 19. Claims 6, 16, and 26 were rejected on the basis of the term "exclusive" in claim 6.

While not conceding to the Examiner's position, in the interest of advancing prosecution, Applications have amended claims 3, 6, 19, 34, 35, 39 in order to render this rejection moot.

Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. §102

Claims 1, 2, 24, 27-29, 31-32, 36-37, 41, 42, 43, 44, 45, and 47 were rejected under 35 U.S.C. § 102(b) as anticipated by Ando et al. (US 2002/0044556). Applicants respectfully traverse this rejection.

As a preliminary matter, Applicants point out that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP § 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In this regard, Applicants assert that Ando fails to teach or suggest every element of the claims.

Claim 1, as amended requires that "the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted". Ando describes "a multiplexer and priority control method for packet data transmissions". See title. In regard to a packet interceptor, the Examiner points to FIG.3. In this regard, the Examiner states that "Ando teaches the steps of (a) using a source packet interceptor to intercept an IP packet from a source application (i.e. Fig. 3 left box 24)".

However, Ando fails to teach or suggest a source packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted" as required by claim 1. As can be seen in FIG. 3 of Ando, all packets would flow through the multiplexer 24. As such, it is clear that Ando does not teach or suggest that a packet interceptor "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted" as required by claim 1, nor would there be any reason to include such a feature in Ando. As claims 2, 24, 27-29, 31-32, 36-37, 41 are dependent on claim 1, Ando similarly fails to teach or suggest the inventions of claims 2, 24, 27-29, 31-32, 36-37, 41.

Claim 42 requires "using a packet interceptor to intercept an IP packet identified in a look-up table as having a specified source address, source port number, destination address, destination port number, and protocol type." As conceded by the Examiner when discussing the

rejection under § 103, Ando is silent on intercepting an IP packet from the source application comprising the steps of comparing the IP packet's address to packet addresses in a look-up table. As such, Ando fails to teach or suggest every element of claim 42. As such, Ando fails to anticipate the invention of claim 42.

With regard to claim 46 (previously numbered claim 47), the feature of "examination of IP packets to identify packets to be intercepted" is required. Similar to the above, Ando fails to teach or suggest this element. There is no teaching of examination of IP packets to identify packets to be intercepted in Ando. As such Ando fails to anticipate the invention of claim 46.

Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. § 103

Claims 4, 5, and 25 were rejected under 35 U.S.C. § 103(a) over Ando et al (US 2002/0044556) in view of Yan (US 2005/0018651). Applicants respectfully traverse this rejection.

As a preliminary matter, Applicants note that "all claim limitations must be considered" for a valid rejection under 35 U.S.C. § 103(a). See MPEP § 2143.03.

As described above, Ando discloses "a multiplexer and priority control method for packet data transmissions". However, Ando fails to disclose a packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted".

Yan fails to cure the deficiencies of Ando. Yan discloses "a solution that enables voice telephone service to be provided over an HFC network that operates in conjunction with legacy cable modems and permits the sharing of the cable modem and a single globally unique IP Address assigned by a service provide amongst VoIP services and multiple computers". See paragraph [0020] of Yan. However, Yan fails to disclose a packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted". As such, the combination of Ando and Yan fails to disclose a packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted" as required by claim 1. Therefore, the combination of Ando and Yan fails to teach or suggest every element and

therefore fails to render the invention of claim 1 obvious. As claims 4, 5, and 25 are dependent on claim 1, they are also not rendered obvious by the combination of Ando and Yan.

In addition, Applicants point out that "the proposed modification cannot render the prior art unsatisfactory for its intended purpose". See MPEP § 2143.01 (V).

In order to establish a prima facie case of obviousness for the pending claims the Examiner by necessity must propose modifying Ando to include the feature of a source packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted" as required by claim 1. However, Applicants assert that this modification would render Ando unsatisfactory for its intended purpose.

Ando specifically states that its invention functions so that "opportunities to transmit packet data onto the network side line can be equally afforded to the plurality of terminal side lines having the identical priority level". See Ando at [0013]. However, selective interception of packets is contrary to the intended purpose of priority control in Ando. If packets are only selectively intercepted, effective priority control would not be established within the framework of Ando. At best, priority control could only be established with regard to those packets that are actually intercepted. However, that would result in a problem identified by Ando at paragraph [0005] ("there arises the problem that opportunities for packet data transmissions cannot be equally afforded to the plurality of terminal side lines"). The proposed modification would potentially result in some packets of a particular priority level would be intercepted and subjected to priority control whereas other packets would not and this would defeat the intended purpose of Ando. For this additional reason, Applicants respectfully submit that the combination of Ando in view of Yan fails to render the invention of claim 1 obvious. As claims 4, 5, and 25 are dependent on claim 1, they are also not rendered obvious by the combination of Ando and Yan.

Summary

Applicants assert that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is encouraged to contact the Applicants' representative at the telephone number below if it is believed that prosecution of the present case can be aided thereby.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3688.

Respectfully submitted,

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